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The general American doctrine appears in a *per curiam* opinion of half a dozen lines.<sup>3</sup>

The border line of self defense is well presented in *People v. Button*<sup>4</sup> (p. 247), which seems to hold that an unlawful aggressor whose assault has rendered the adversary unable to comprehend the aggressor's full withdrawal from the affray, can not lawfully kill such adversary in resisting the latter's continued onset. The omitted parts of the opinion, however, indicate the readiness of the court to retreat from the extreme position taken in the printed part, as applied to the facts in this particular case. The case might well have been set out in full, and a few citations on so important a doctrine as this, would be useful.

No case is cited upon, and no reference made to, the doctrine of some states, that one may oppose force to force, even to death, in going to, or without retreating from, the place where he has a lawful right to be.<sup>5</sup>

Illustrating the doctrine of contributory acts in homicide, the case of *People v. Lewis*<sup>6</sup> (p. 340), is interesting. The refinements of the Common Law distinctions on the point of larceny, are excellently brought out. It is noteworthy that the able author of this book finds practically the whole doctrine of this and kindred crimes, best illustrated by the English decisions. The statutory crime of obtaining property by false pretenses is equally well handled.

Considering the book in its entirety, one can not but admire the evident tirelessness of the author in the examination of cases and his fine discrimination in their choice.

The work contains a good index:—the author's assurances that the cases may be relied upon by the active practitioner as well as by the school student: a careful reading of the book gives conviction that the author's assurances in this regard are well founded.

M. F. D.

UNFAIR BUSINESS COMPETITION. By HARRY D. NIMS. New York: BAKER, VOORHIS & Co. 1909. pp. xlvi, 581.

Selecting as his title a modern phrase of doubtful value, the author has shown commendable diligence in collecting a number of cases in which courts of equity have assumed jurisdiction over torts. Some space is devoted to tortious interference with contract as this topic has developed since *Lumley v. Gye*<sup>1</sup> and *Bowen v. Hall*<sup>2</sup> were decided. The cases are summed up reasonably well as are the divergent views developed in different jurisdictions.

Practicing lawyers will find this a useful book. It is in some respects more convenient than an ordinary digest. From the standpoint of the scholarly scientific lawyer there is not much to praise in this volume. Little, if any, original thought is to be found, and mooted questions are left unsolved. In the review of conflicting decisions there is no attempt to work out a correct principle, and a reader seeking light on perplexing problems will be disappointed.

<sup>3</sup>State *v. Reppeth* (1904) 71 Oh. St. 85.

<sup>4</sup>(1895) 106 Cal. 628.

<sup>5</sup>See *State v. Donnelly* (1886) 69 Ia. 705; *State v. Bartlett* (1902) 170 Mo. 658; *Runyan v. State* (1877) 57 Ind. 80, quoted apparently without disapproval in *Beard v. U. S.* (1894) 158 U. S. 550.

<sup>6</sup>(1899) 124 Cal. 551.

<sup>1</sup>(1853) 2 E. & B. 216.

<sup>2</sup>(1881) 6 Q. B. D. 333.

There is practically no analysis of cases and the author contents himself with extracts from opinions, and statements of the facts involved. Quotations from opinions are legitimate and may often be given with great propriety, but nevertheless a book should be stamped with some originality and should add something to the accumulated wisdom on the topic treated. In this respect Mr. Nims has furnished little to the profession and has not given evidence of any profound study of the principles upon which equity assumes jurisdiction.

Some crudities of expression might have been avoided by more careful revision and, on the whole, the book gives a certain impression of immaturity.

C. D. A.

BOOKS RECEIVED:

A MANUAL OF MEDICAL JURISPRUDENCE. By MARSHALL D. EWELL. 2nd. ed. Boston: LITTLE, BROWN & Co. 1909. pp. vii, 407.

GENERAL THEORY OF LAW. By N. M. KORKUNOV. Boston: THE BOSTON BOOK CO. 1909. pp. xiv, 524.

THE PEOPLES LAW. By CHARLES SUMNER LOBINGER. New York: THE MACMILLAN COMPANY. 1909. pp. xxi, 429.

THE EVOLUTION OF LAW. By HENRY W. SCOTT. New York: THE BORDEN PRESS PUBLISHING CO. 1908. pp. 165.

THE COURTS OF THE STATE OF NEW YORK. By HENRY W. SCOTT. New York: WILSON PUBLISHING CO. 1909. pp. 506.

EQUITY. By F. W. MAITLAND. Cambridge: UNIVERSITY PRESS. 1909. pp. xv, 412.

DRAWING WILLS AND THE SETTLEMENT OF ESTATES IN PENNSYLVANIA. By JOHN MARSHALL GEST. Philadelphia: J. W. JOHNSON CO. 1909. pp. xx, 152.

THE LEGISLATION OF THE EMPIRE, 1898-1907. Edited by C. E. A. BEDWELL. London: BUTTERWORTH & CO. 1909. 4 vols. Vol. I, pp. xxxv, 545; Vol. II, pp. x, 482; Vol. III, pp. x, 528; Vol. IV, pp. 231.

A TREATISE ON THE LAW OF LANDLORD AND TENANT. By H. C. UNDERHILL. Chicago: T. H. FLOOD & CO. 1909. 2 vols. Vol. I, pp. cxxxiv, 670; Vol. II, pp. 671 to 1516.

THE FIXED LAW OF PATENTS. By WILLIAM MACOMBER. Boston: LITTLE, BROWN & CO. 1909. pp. cxlv, 925.

THE POWER OF EMINENT DOMAIN. By PHILIP NICHOLS. Boston: BOSTON BOOK CO. 1909. pp. xxi, 560.

THE LAW OF PERSONS AND DOMESTIC RELATIONS (HORNBOOK SERIES). By WALTER TIFFANY. 2nd ed. by ROGER W. COOLEY. St. Paul, Minn.: WEST PUBLISHING CO. 1909. pp. xiii, 656.

THE FEDERAL EMPLOYERS' LIABILITY AND SAFETY APPLIANCE ACTS. By W. W. THORNTON. Cincinnati: THE W. H. ANDERSON CO. 1909. pp. xlvii, 410.

A TREATISE ON THE LAW OF TRUSTEES IN BANKRUPTCY. By ALBERT S. WOODMAN. Boston: LITTLE, BROWN & CO. 1909. pp. xci, 1103.

ELEMENTS OF THE LAW OF DAMAGES. By ARTHUR GEORGE SEDGWICK. Boston: LITTLE, BROWN & CO. 1909. pp. xxxv, 368.